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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,406	04/17/2001	Marko Eromaki	442-010149-US(PAR)	7245

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PERMAN & GREEN
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FAIRFIELD, CT 06824

EXAMINER

CHIANG, JACK

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836406

Applicant(s)

M. Eromaki

Examiner

J. Chang

Group Art Unit

2642

#6

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4-17-01.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-14 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-14 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

DRAWINGS

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "means for limiting the force the motor is subject to" called for in claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

CLAIMS

112 1st and 2nd Paragraph Rejection

2. Claim 13 recites the limitation "said second mechanical power" in last two lines. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the rotatable element" in line 2. There is insufficient antecedent basis for this limitation in the claim.

3. Claim 8 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 8 is claiming "means for limiting the force the motor is subject to", it is unclear what it is referring?

Art Rejection

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 7, 9-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Chikano (WO 00/21155).

Regarding claim 1, Chikano shows:

A user interface (5a);

A first moveable element (6a) which is moveable between a first position (closed position) and a second position (open position);

An electrical motor (70, 72, 15a) for converting electrical power into a first rotational movement having a first angular speed;

Converting means (13a) for converting the rotational movement into a movement of the first moveable element (6a) between the first and second positions.

Regarding claim 13, Chikano shows:

A user interface (5a);

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A moveable element (6a) which is moveable between a first position (closed position) and a second position (open position);

The steps of:

Converting (70, 72, 15a) electrical power into a first rotational mechanical power with a first speed by an electrical motor (70);

Converting (13a) the power to a movement of the moveable element (6a).

Regarding claims 7, 9-12, Chikano shows:

The user interface (5a) has two configurations, a compacted configuration (first/closed position) and an expanded configuration (second/open position);

A second moveable element (8a, 3a) between a third position and a fourth position;

The motor (7) moves the first moveable element (9a, 6a) and the second moveable element (8a, 3a) simultaneously;

the first moveable element (9a, 6a) and the second moveable element (8a, 3a) move at different speeds (page 7, lines 13-14) and in opposite directions (see 8a and 9a).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-6, 8 (as best understood), and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chikano in view of Namiki Corporation (page 7, second paragraph of the present application).

Regarding claims 2-6, 14, 8, Chikano shows:

The converting means comprising a gear (14a or 15a) for converting the first rotational movement (72) into a second rotational movement, and converting (12a, 13a) the second rotational movement (72, 14a, 15a) to a translational movement (12a, 13a), and the motor (70), gear and the rotatable element (11a) are in line with each other.

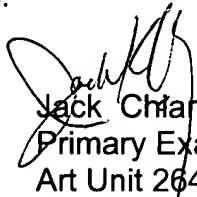
Chikano differs from the claimed invention in that it does not explicitly mention type of motor, such as motor having an epicyclic gear, and the first and second angular speeds. However, Namiki teaches providing a motor having epicyclic gear and having first and second angular speeds, and the "means for limiting the force the motor is subject to" (see page 7 of the present application).

Hence, the concept of using a motor to drive a moveable element is well taught by Chikano, it would have been obvious for one skilled in the art to use Chikano as it is, or to replace Chikano's motor with Namiki's motor because most motors are interchangeable/replaceable, this simply can be considered as a variation of Chikano as long as the basic concept of driving the moveable element by using the motor is substantially unchanged.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack Chiang
Primary Examiner
Art Unit 2642